

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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Jerry Eugene Whitley,

Petitioner,

vs.

J.C. Giles, et al.,

Respondent(s)

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Civil Action No. 3:05 CV-427-F

CLERK OF COURT
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA.

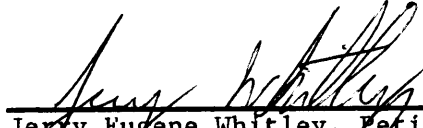
MOTION TO ADMIT DOCUMENTS

Comes now the Petitioner, acting pro se in the above captioned case, and requests this Honorable Court to admit into evidence the affidavit of co-defendant Kaylene White, In support of said request, Petitioner shows the following:

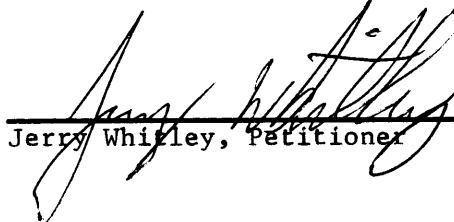
- (1) Petitioner has not been in contact with the co-defendant, Kaylene White since his incarceration.
- (2) Co-defendant White was not served a subpoena by the trial court to appear at Petitioner's suppression hearing or trial. Therefore, her testimony is not on record.
- (3) Petitioner only recently became knowledgeable of the whereabouts of co-defendant White and therefore became aware of her account of the events of Petitioner's arrest.
- (4) Co-defendant White's affidavit may be helpful to the Court to determine whether Petitioner is entitled to habeaus relief.
- (5) Petitioner does believe the affidavit will be helpful in determination of the truth of the events of Petitioner's arrest.

WHEREFORE, these premises considered, Petitioner respectfully requests this Court grant his request to admit into evidence the affidavit of his co-defendant, Kaylene White, to be attached to Petitioner's response filed September 19, 2005.

Respectfully submitted this the 14th day of March, 2006.


Jerry Eugene Whitley, Petitioner pro se
Ais #227246, Dorm 9A-53T
Ventress Correctional Facility
P.O. Box 767
Clayton, AL 36016-0767

I swear or affirm under penalty of perjury that the foregoing is true and correct.


Jerry Whitley, Petitioner

NOTARY BLOCK

State of Alabama
County of Barbour

Subscribed and sworn to before me this
14th day of March, 2006.


Notary Public

My Commission Expires August 18, 2007
Comm. Exp. Date

CERTIFICATE OF SERVICE

I hereby certify that I have placed a true copy of the foregoing in the United States Postal Service box at Ventress Correctional Facility to be mailed to the following parties on this the 14th day of March, 2006.

- (1) The United States District Court Clerk
for the Middle District of Alabama
- (2) The Alabama Office of Attorney General



Jerry Eugene Whitley, Petitioner